

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

DARRYL ROBINSON, SR.

v.

UNITED STATES OF AMERICA

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: Civil No. CCB-18-1815

: Criminal No. CCB-13-373

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**MEMORANDUM**

Federal prison inmate Darryl Robinson, Sr., pled guilty to conspiring to distribute heroin and on November 25, 2013, was sentenced to 180 months incarceration. He did not file an appeal, but on June 18, 2018, he filed a motion to vacate his sentence. He appears to allege that the law under which he was convicted, 21 U.S.C. § 846, is unconstitutional; that the indictment failed to state an offense; and that the Probation Office violated his constitutional rights (ECF No. 421).<sup>1</sup>

Robinson's motion, although he seeks to rely on 28 U.S.C. § 2241, is properly considered under 28 U.S.C. § 2255 and is untimely. As the government notes in its response, Robinson's petition was filed several years past the one-year statute of limitations. Robinson's reply proffers no basis to excuse his delay or otherwise extend the limitations period.

Accordingly, no certificate of appealability will be issued, and the motion will be **Denied**. A separate Order follows.

3/6/19  
Date

CCB /S/  
Catherine C. Blake  
United States District Judge

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<sup>1</sup> In his reply (ECF No. 437) to the government's opposition, he also alleges that his plea was involuntary and that the Assistant Federal Public Defender who represented him provided ineffective assistance.